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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,711	02/19/2004	Yi-An Sha	0941-0919P	3187
2292 7590 05/02/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
JONES, JAMES				
ART UNIT		PAPER NUMBER		
2873				
NOTIFICATION DATE		DELIVERY MODE		
05/02/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/780,711

Applicant(s)

SHA ET AL.

Examiner

JAMES C. JONES

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
4a) Of the above claim(s) 1-42 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 43-47 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Election/Restrictions

Applicant's election with traverse of Group II, Claims 43-47 in the reply filed on 4/14/2008 is acknowledged. The traversal is on the ground(s) that it would be no undue burden on the Examiner to consider all the claims in the single application. This is not found persuasive because the inventions listed in the previous election/restriction requirement, in correspondence mailed out 3/21/2008, are independent or distinct for the reason given in the previous election/restriction. There would be a serious search and examination burden if the restriction was not required because the inventions have acquired a separate status in the art in view of their different classification and the inventions have a different field of search (for example, searching different classes/subclasses or electronic resources or employing different search queries). The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 43-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwanaga et al. (5739946) hereafter '946.

'946 discloses the limitations therein including the following:

Regarding claim 43 '946 discloses an operating structure of a polymer-gel display, utilizing the flexing of a polymer-gel sheet to enable the display (fig. 2 and 3), comprising: a pair of substrates with a preset gap therebetween (fig. 2 and 3, "1" and "4" as the "pair of substrates"); a polymer-gel sheet of a first color disposed between the substrates, contacting no more than one of the substrates, having two fixed ends and a flexible center area (fig. 2 and 3, col. 8, line 2, col. 9, lines 1-60, "3" as the "polymer-gel sheet"); and a fluid layer of a second color between the substrates, displaying the second color via the substrate not contacting the polymer-gel sheet (fig. 2 and 3, col. 8 lines 54-67, col. 9 lines 1-60), wherein the center area of the polymer-gel sheet flexes toward the substrate originally not contacted thereby when an external electric field is applied, such that the first color of the polymer-gel sheet is displayed via the substrate after the polymer-gel sheet and the substrate make contact (fig. 2 and 3, col. 8 lines 54-67, col. 9 lines 1-60).

Regarding claim 44 '946 discloses the operating structure as claimed in claim 43, wherein the substrate originally not contacting the polymer-gel sheet is a transparent glass substrate (fig. 2 and 3, col. 9, line 36).

Regarding claim 45 '946 discloses the operating structure as claimed in claim 43, wherein the polymer-gel sheet is a PMMA (polymethyl methacrylate)-gel, polyamide-gel, or polyvinyl fluoride-gel sheet (col. 16, lines 54-55, col. 19, lines 50-61).

Regarding claim 46 '946 discloses the operating structure as claimed in claim 43, wherein the polymer-gel sheet further comprises an ion-exchange film formed thereon (fig. 2 and 3, col. 9, lines 1-67, col. 10, lines 1-10).

Regarding claim 47 '946 discloses the operating structure as claimed in claim 43, wherein the fluid layer further comprises an electrolyte (col. 4, lines 62-63).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES C. JONES whose telephone number is (571)270-1278. The examiner can normally be reached on Monday thru Friday, 8 a.m. to 5 p.m. est. time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit: 2873

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/James C. Jones/
Examiner, Art Unit 2873
4/22/2008

/Jordan M. Schwartz/
Primary Examiner, Art Unit 2873